

UNITED STATES DISTRICT COURT
for the
District of New Mexico

FILED
United States District Court
Albuquerque, New Mexico
Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

ONE USPS PRIORITY MAIL PARCEL
BEARING USPS TRACKING NUMBER
9505 5143 5648 4051 8100 91

Case No. 24-MR-367

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One USPS priority mail parcel, more fully described in Attachment A, which is attached and incorporated herein.

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

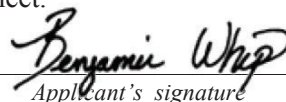
Code Section
21 U.S.C. 841 and 846

Offense Description
Possession with intent to distribute a controlled substance and conspiracy

The application is based on these facts:

See the attached affidavit of U.S. Postal Inspector Benjamin Whip which is incorporated by reference and has been reviewed and approved by AUSA Elaine Ramirez.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Benjamin Whip
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
electronic submission and telephonic swearing (specify reliable electronic means).

Date: February 28, 2024

City and state: Albuquerque, New Mexico


Judge's signature

Honorable Laura Fashing, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
ONE USPS PRIORITY MAIL EXPRESS
PARCEL BEARING USPS TRACKING
NUMBER 9505 5143 5648 4051 8100 91,
MORE SPECIFICALLY DESCRIBED IN
ATTACHMENT A

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Benjamin Whip, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector and have been employed since May 2019. I have completed a twelve-week basic training course in Potomac, Maryland, which included training in the investigation of narcotics trafficking via the United States Mail. I am currently assigned to the Phoenix Division, Albuquerque, NM Domicile which is responsible for investigating narcotic violations involving the United States Mail. Part of my training as a Postal Inspector included narcotic investigative techniques and training in the identification and detection of controlled substances being transported in the U.S. Mail. Prior to my appointment as a U.S. Postal Inspector, I served as a U.S. Border Patrol Agent with the Department of Homeland Security, Customs and Border Protection, in Casa Grande, AZ, for nearly 11 years. I hold a Bachelor's Degree in Criminal Justice from Michigan State University.

2. I have investigated numerous narcotics investigations of individuals for violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance), 843(b) (Use of a Communication Facility to Facilitate the Distribution of a Controlled Substance), and 846 (Conspiracy to Possess with Intent to Distribute a Controlled Substance). The facts and information contained in this affidavit are based on my personal knowledge, as well as that

of other Postal Inspectors and law enforcement officers involved in this investigation as described below.

3. This affidavit is made in support of an application for a search warrant for one United States Postal Service (“USPS”) Priority Mail parcel (hereafter, referred to as the “**SUBJECT PARCEL**”). The **SUBJECT PARCEL** is believed to contain controlled substances and/or proceeds from the sale of controlled substances.

4. The **SUBJECT PARCEL** is further described as follows: One USPS Priority Mail parcel bearing USPS tracking number 9505 5143 5648 4051 8100 91, addressed to “Collective Supply Co., 2942 Jefferson St NE, Albuquerque, NM 87110” with a return address of “PJ Slot Car Raceway & Hobby, 1021 Portion Rd #12, Lake Ronkonkoma, NY 11779.” The **SUBJECT PARCEL** is a large Priority Mail Flat Rate box, measuring approximately 12.25 inches by 12 inches by 6 inches, weighing approximately 6 pounds 14.2 ounces, postmarked February 20, 2024, and bearing \$24.75 in postage.

BACKGROUND

5. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware the USPS mail system is frequently used to transport controlled substances and/or proceeds from the sale of controlled substances to areas throughout the United States. I also know drug traffickers prefer mail/delivery services such as Express Mail and Priority Mail because of their reliability and the ability to track the article’s progress to the intended delivery point. When a drug trafficker learns that a mailed article has not arrived as scheduled, he/she becomes suspicious of any delayed attempt to deliver the item.

6. Based on my training and experience regarding Express Mail operations, I am aware that the Express Mail service was designed primarily to fit the needs of businesses by providing overnight delivery for time-sensitive materials. Moreover, based on my training and experience, I am aware that business mailings often: (a) contain typewritten labels; (b) are addressed to and/or from a business; (c) are contained within flat cardboard mailers; and (d) weigh less than eight ounces. In

addition, corporate charge accounts were developed by the USPS to avoid time-consuming cash payments by businesses for business mailings.

7. Based on my training and experience, I am aware that the Priority Mail service was created as a less expensive alternative to Express Mail overnight delivery, but designed to provide quicker, more reliable service than standard First-Class Mail. Whereas a customer mailing an article via Express Mail expects next-day service, a customer who mails an article via Priority Mail can expect two- to three-day delivery service. The USPS also provides a tracking service through a USPS tracking number, which allows the customer to track the parcel and confirm delivery.

8. Based on my training and experience regarding Priority Mail operations, I am aware the majority of Priority Mail mailings are business mailings. Businesses have found that Priority Mail is a significantly less expensive method of mailing than Express Mail, particularly when next-day service is not a requirement. I also know that, similar to Express Mail, Priority Mail business mailings tend to be smaller, lighter mailings, and on average, weigh less than two pounds. Examples of the typical types of business mailings conducted via Priority Mail include books, clothing, pharmaceuticals, and consumer goods purchased from online retailers.

9. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the State of New Mexico is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported from New Mexico via USPS, and proceeds from the sale of controlled substances are frequently returned to New Mexico via USPS.

10. Based on my training and experience regarding the use of Express Mail and Priority Mail to transport-controlled substances and/or the proceeds from the sale of controlled substances, I am aware these parcels usually contain some or all of the following characteristics:

- a. The parcel contains a label with handwritten address information and is addressed from one individual to another individual, rather than from one business to another business, which are the entities that more commonly use Express Mail or Priority Mail;
- b. The handwritten label on the parcel does not contain a business account number, thereby indicating that the sender likely paid cash;
- c. The parcel is heavier than the typical mailing, often weighing more than eight ounces for Express Mail, and two pounds for Priority Mail; and/or
- d. The parcel either: (a) was destined for an area known to be a frequent destination point for controlled substances, having been mailed from an area known to be a source area for controlled substances; or (b) originated from an area known to be a frequent origination point for proceeds from the sale of controlled substances, having been mailed to an area known to be a destination area for proceeds from the sale of controlled substances.

11. Express Mail and Priority Mail parcels found to meet any or all of the characteristics described above are often further scrutinized by Postal Inspectors through address verifications and an examination by a trained narcotics detecting canine.

RELEVANT FACTS PERTAINING TO THE SUBJECT PARCEL

12. On February 21, 2024, I was notified of a suspicious parcel (the **SUBJECT PARCEL**) destined for Albuquerque, New Mexico from Nesconset, New York. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware that the state of New Mexico is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported from New Mexico via USPS, and proceeds from the sale of controlled substances are frequently returned to New Mexico via USPS. On February 23, 2024, I intercepted the **SUBJECT PARCEL** from the USPS mail stream.

13. Upon physical examination of the **SUBJECT PARCEL**, the **SUBJECT PARCEL** met some of the characteristics listed in Paragraph 10 above. First, the postage for the **SUBJECT PARCEL** was paid for in cash. Second, the **SUBJECT PARCEL** was mailed to an address in the state of New Mexico from an address in the state of New York. Based on my training, experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the state of New Mexico is frequently a source location for controlled substances that are mailed to the state of New York, and that proceeds from the sale of controlled substances are frequently returned to New Mexico from New York via USPS.

14. I conducted a database query regarding the names and addresses appearing on the **SUBJECT PARCEL** in Consolidated Lead Evaluation and Reporting (“CLEAR”), a law enforcement database accessible to me. CLEAR associates addresses and telephone numbers to individuals and business entities. The CLEAR database is created from credit reports, law enforcement reports, utility records, and other public records.

15. Through the CLEAR database query, I learned that the delivery address for the **SUBJECT PARCEL** — 2942 Jefferson ST NE., Albuquerque, NM 87110 — was an existing, deliverable address; however, a “Collective Supply Co.” does not associate with the delivery address. The same database query revealed the return address for the **SUBJECT PARCEL** — PJ Slot Car Raceway & Hobby, 1021 Portion Rd #12, Lake Ronkonkoma, NY 11779— was an existing, deliverable address; and “PJ Slot Care Raceway & Hobby” does associate with the return address.

16. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances, it is common for drug traffickers to use names not associated with an address and/or fictitious names and addresses to evade detection by law enforcement.

NARCOTICS CANINE ALERT ON THE SUBJECT PARCEL

17. On February 26, 2024, the **SUBJECT PARCEL** was inspected by Sandoval County Sheriff's Office (SCSO) Deputy A.J. Noriega and his canine partner "Zarah". The **SUBJECT PARCEL** was separated and individually inspected by Deputy Noriega's canine partner "Zarah." Zarah is a two year old Belgian Malinois who is trained and certified to detect the odors of heroin, cocaine, methamphetamine and their derivatives. Zarah and Deputy Noriega are both nationally Certified by the National Narcotic Detector Dog Association.

18. On February 26, 2024, at approximately 11:55 AM, Deputy Noriega advised that "Zarah" alerted and indicated to the presence of one of the above mentioned trained odors.

19. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware narcotics traffickers often conceal proceeds from the sale of narcotics to avoid the detection of narcotics odors by a trained narcotics canine. Individuals who regularly handle controlled substances often leave the scent of controlled substances on materials they handle.

20. From my training and personal experience, I am aware narcotics traffickers often store controlled substances in close proximity to U.S. currency and packaging materials, transferring the narcotic odor to the U.S. currency and packaging materials.

CONCLUSION

21. Based on these facts, there is probable cause to believe the **SUBJECT PARCEL** described in Paragraph 4 above contains controlled substances or proceeds from the sale of controlled substances, constituting evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 846 (Conspiracy to Distribute a Controlled Substance).

22. Assistant United States Attorney Elaine Ramirez reviewed and approved this affidavit.

Respectfully submitted,



Benjamin Whip
U.S. Postal Inspector

Telephonically sworn and electronically submitted
on this 28th day of February 2024.



UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

1. The **SUBJECT PARCEL** is further described as follows: One USPS Priority Mail Express parcel bearing USPS tracking number 9505514356484051810091, addressed to “Collective Supply Co., 2942 Jefferson St NE, Albuquerque, NM 87110” with a return address of “PJ Slot Car Raceway & Hobby, 1021 Portion Rd #12, Lake Ronkonkoma, NY 11779.” The **SUBJECT PARCEL** is a Priority Mail large flat rate box, measuring approximately 12.25 inches by 12 inches by 6 inches, weighing approximately 6 pounds 14.2 ounces, postmarked February 20, 2024, and bearing \$24.75 in postage.

2. The **SUBJECT PARCEL** is currently located in the U.S. Postal Inspection Service, Albuquerque Domicile office, 1135 Broadway Blvd., Albuquerque, NM 87101.



ATTACHMENT B

Evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846, including controlled substances, U.S. currency, and documents related to the distribution of controlled substances such as drug ledgers, banking and/or money remitter information, and information leading to the identities of the sender, recipient and source of supply.